

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANIBAL ESTEBAN JAVIER PEREZ,

Plaintiffs,

-against-

**ANSWER OF
TOWN OF BEDFORD**

07 Civ. 4063 (CLB)

TOWN OF BEDFORD, TOWN/VILLAGE OF MT.
KISCO and GEORGE BUBARIS, individually,

Defendants.
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Defendant TOWN OF BEDFORD by its attorneys, MIRANDA SOKOLOFF
SAMBURSKY SLONE VERVENIOTIS LLP, answering the plaintiff's complaint, respond as
follows.

1. Denies the allegations contained in paragraph numbered "1" of the complaint,
except admits that plaintiff purports to proceed as stated therein.

2. Denies the allegations contained in paragraph numbered "2" of the complaint,
except admits that plaintiff purports to assert jurisdiction as stated therein.

3. Denies having knowledge or information sufficient to form a belief as to the truth
of the allegations contained in paragraph numbered "3" of the complaint.

4. Denies the allegations contained in paragraph numbered "4" of the complaint,
except admits that the Town of Bedford is a municipal corporation duly existing by reason of and
pursuant to the laws of the State of New York.

5. Admits the allegations contained in paragraph numbered "5" of the complaint.

6. Denies having knowledge or information sufficient to form a belief as to the truth
of the allegations contained in paragraph numbered "6" of the complaint.

7. Denies the allegations contained in paragraph numbered "7" of the complaint.

8. Denies the allegations contained in paragraph numbered “8” of the complaint.

9. Denies the allegations contained in paragraph numbered “9” of the complaint and all of its sub-parts.

10. Denies the allegations contained in paragraph numbered “10” of the complaint.

11. Denies the allegations contained in paragraph numbered “11” of the complaint as to the answering defendant, and denies having knowledge or information sufficient to form a belief as to the truth of the allegations as to the co-defendants.

12. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “12” of the complaint.

13. Denies the allegations contained in paragraph numbered “13” of the complaint.

ANSWERING THE FIRST CAUSE OF ACTION

14. As to paragraph “14,” repeats, reiterates, and realleges the denials set forth above in answer to the allegations contained in paragraphs of the complaint numbered “1” through “13.”

15. Denies the allegations contained in paragraph numbered “15” of the complaint.

ANSWERING THE SECOND CAUSE OF ACTION

16. As to paragraph “16”, repeats, reiterates, and realleges the denials set forth above in answer to the allegations contained in paragraphs of the complaint numbered “1” through “15.”

17. Denies the allegations contained in paragraph numbered “17” of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE TO THE ENTIRE COMPLAINT, THE ANSWERING DEFENDANT ALLEGES:

18. The complaint fails to state a claim upon which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE TO THE ENTIRE COMPLAINT, THE ANSWERING DEFENDANT ALLEGES:

19. The plaintiff lacks standing to sue and assert the claims set forth in the complaint.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE TO THE ENTIRE COMPLAINT, THE ANSWERING DEFENDANT ALLEGES:

20. At all times relevant to the acts alleged in the complaint, defendant Town of Bedford, its agents and officials, acted reasonably, properly and in the lawful exercise of their discretion. Therefore, they are entitled to governmental immunity from liability.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE TO THE ENTIRE COMPLAINT, THE ANSWERING DEFENDANT ALLEGES:

21. Any injury alleged to have been sustained resulted from the decedent's own culpable or negligent conduct, or the culpable or negligent conduct of third parties, and was not the result of any actions of the answering defendant.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE TO THE ENTIRE COMPLAINT, THE ANSWERING DEFENDANTS ALLEGE:

22. The answering defendant has not violated any rights, privileges or immunities under the Constitution, the laws of the United States or the State of New York, nor has it violated any act of Congress providing for the protection of civil rights.

WHEREFORE, defendant TOWN OF BEDFORD requests judgment dismissing the complaint and denying all relief requested therein, together with such other and further relief as the Court deems just and proper.

Dated: Mineola, New York
July 18, 2007

MIRANDA SOKOLOFF SAMBURSKY
SLONE VERVENIOTIS LLP
Attorneys for Defendant
TOWN OF BEDFORD



By: _____

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